

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-6 are presently active in this case; Claims 7-21 having been withdrawn from consideration, and Claim 1 having been amended by way of the present amendment.

In the outstanding Official Action, Claims 1-6 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 1 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogura et al (U.S. Pat. No. 6,255, 166), Pradeep et al (U.S. Pat. No. 6,228,713), and Jang et al (U.S. Pat. No. 5,786,262). Claims 2, 3, and 5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ogura et al, Pradeep et al, and Jang et al, and further in view of Reisinger (U.S. Pat. No. 6,137,718). Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ogura et al, Pradeep et al, Jang et al, and Reisinger, and further in view of Agarwal et al (U.S. Pat. No. 6,201,276). Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ogura et al and Pradeep et al, and Jang et al, and further in view of Fang (U.S. Pat. No. 6,023,085).

Firstly, Applicants acknowledge with appreciation the courtesy of Examiner Weiss to conduct an interview in this case on April 15, 2004. During the interview, the issues identified in the outstanding Office Action were discussed. Specifically, the Advisory Action and the arguments supplied in the Amendment under 37 C.F.R. § 1.116 filed March 26, 2004 were discussed. Further, changes to Claim 1 were discussed to clarify that the defined second gate electrode in the second transistor (e.g., the right-most polysilicon film 123 in Applicant's Figure 13) is laterally separate from the defined first gate electrode in the first transistor (e.g., the center polysilicon film 123 in Applicant's Figure 13). As noted on the Interview Summary Sheet, such language was agreed to distinguish from Ogura et al.

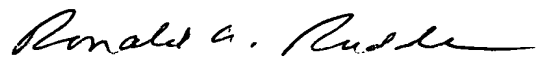
Given this agreement, Applicant respectfully submits that Claim 1 and the claims dependent therefrom are believed to patentably define over the applied prior art.

Finally, regarding the 35 U.S.C. § 112, second paragraph, rejection to Claims 1-6, Claim 1 has been amended to more particularly point out that the charge storage layer in the first transistor exists only below a first gate electrode in an element region. Thus, it is respectfully submitted that the 35 U.S.C. § 112, second paragraph, rejection has been overcome.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application, as amended herewith, is believed to be in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Registration No. 28,870
Attorney of Record
Ronald A. Rudder, Ph.D.
Registration No. 45,618

CUSTOMER NUMBER

22850

Tel: (703) 413-3000

Fax: (703) 413-2220

EHK:RAR:clh